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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,252	12/04/2003	Armin Herb	DT-6705	7790
30377	7590	12/27/2004	EXAMINER	
DAVID TOREN, ESQ. SIDLEY, AUSTIN, BROWN & WOOD, LLP 787 SEVENTH AVENUE NEW YORK, NY 10019-6018			REESE, DAVID C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/728,252

Applicant(s)

HERB, ARMIN

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

- [1] Claims 1-18 are pending.

### *Claim Objections*

- [2] Claim 15 is objected to because of the following informalities: the following statement from Claim 15 is not grammatically correct and is considered indefinite, "...said rear grip part is connected to said rear grip part..."; understood as, said rear grip part connected to fastening means.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

- [3] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[4] Claims 1-9, 11-12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kowalski, US 4,460,299.

Kowalski teaches of a fastener.

Now as for Claim 1, Kowalski teaches of a fastener comprising a rear grip part (19 in Fig. 1) to be inserted and secured within an elongated hollow body (7) of said elongated hollow body having an elongated first side containing a mounting opening (left adjacent to 14) extending in the elongated direction of said hollow body, said rear grip part (19) insertable in a first position through said mounting opening (left adjacent to 14) into said hollow body and displaceable therein into a second position for gripping with mounting projections (13) within said hollow body (7) said mounting projections extending in the elongated direction of said hollow body, at least one stop (3) positioned exteriorly on the first side of said hollow body along. Opposite sides of said mounting opening, said stop (3) connected to said rear grip part (19) by a fastening means (15) having an axis extending through said stop into said rear grip part whereby a relative rotary movement between the stop (3) and said rear grip part (19) about the axis of said fastening means (15) can be effected, wherein the fastening system include a transmission system for converting (broadly defined, so thus, broadly understood; the fastener as taught by Kowalski provides its own transmission system for these similar

processes, as described in part 4 beginning with the last paragraph, as do other teachings from numerous other prior art) a translatory movement of said fastening means relative to said stop (3) into a rotational movement of said rear grip part (19) relative to said stop (3).

As for Claim 2, Re: Claim 1, Kowalski teaches of a fastener wherein said transmission system comprises a slotted member (31 in Figs. 2) and a spring-loaded element (41, 43 in Fig. 2 and 3) wherein said spring-loaded element engages in the slotted member (41 and 43 engaging 31 in Figs. 2 and 3) (once again, broadly defined, so thus, broadly understood).

As for Claim 3, Re: Claim 1, Kowalski teaches of a fastener wherein said slotted member (31 in Figs. 2) of said transmission system has a inclination surface extending from said first position of the fastening system to said second position (41 and 43 engaging the inclination surface of 31 in Figs. 2 and 3 from first to second positions) (once again, broadly defined, so thus, broadly understood).

As for Claim 4, Re: Claim 2, Kowalski teaches of a fastener wherein said rear (19 in Fig. 1) grip part comprises a shaft (27 in Fig. 2) extending parallel to the axis of said fastening means (15), said slotted member (31 in Fig. 3) of said transmission system is formed on said shaft (31 is part of 27) and said slotted member comprises a planar surface part (planar part as depicted in 31 of Fig. 3).

As for Claim 5, Re: Claim 4, Kowalski teaches of a fastener wherein said slotted member comprises a groove (groove as shown of the area encompassing 31 in Fig. 3).

As for Claim 6, Re: Claim 2, Kowalski teaches of a fastener wherein said stop (3) comprises a shaft (33 in Fig. 1) extending in the direction said rear grip part (19) wherein said slotted member (31) of said transmission system is formed on said shaft (relationship of 31 to 33 in Figs. 1-3), and said slotted member (31) comprises a planar surfaces part (planar part as depicted in 31 of Fig. 3).

As for Claim 7, Re: Claim 6, Kowalski teaches of a fastener wherein said slotted member comprises a groove (groove as shown of the area encompassing 31 in Fig. 3).

As for Claim 8, Re: Claim 6, Kowalski teaches of a fastener wherein a change in inclination relative to said planar surface part is in range of 5 to 50° degrees (31, 41 in Fig. 3).

As for Claim 9, Re: Claim 6, Kowalski teaches of a fastener wherein a change of inclination relative to said planar surface part is in a range of 15 to 45 degrees (31, 41 in Fig. 3).

As for Claim 11, Re: Claim 1, Kowalski teaches of a fastener wherein said transmission system has at least two diametrically opposed slotted members (31 in Fig. 3) wherein said slotted member is engaged by a spring-loaded member (41, 43 engaging 31 in Fig. 3).

As for Claim 12, Re: Claim 6, Kowalski teaches of a fastener wherein one of said slotted members (31 in Fig. 3) of said transmission system is located upstream of an inclination (41 in Fig. 3).

As for Claim 15, Re: Claim 1, Kowalski teaches of a fastener wherein said fastening means (15) comprises a threaded bolt (15), said rear grip part (19)...(see

claim objections)... in one of friction-lockingly and force-lockingly engagement (Fig. 1) with said stop (3) and rotatably with said bolt (15), and said bolt has a torque transmission part (broadly defined, so thus, broadly understood; the fastener as taught by Kowalski provides its own torque transmission system for these similar processes, as described in part 4 beginning with the last paragraph, as do other teachings from numerous other prior art) at an end thereof spaced away from said rear grip part (19) projecting radially at least in part from said stop (3).

As for Claim 16, Re: Claim 2, Kowalski teaches of a fastener wherein said spring-loaded element (41 in Fig. 3) comprises a spring loaded guide tip (43 in Fig. 3).

As for Claim 17, Re: Claim 16, Kowalski teaches of a fastener wherein said spring-loaded element is a spring clip (41 in Fig. 3).

***Allowable Subject Matter***

[5] Claims 10, 13, 14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

[6] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of fastener; as well as their extreme relevance to the current application: D'amelio, 2,886,872; Pletcher, 4,645,393; Kowalski, 4,263,952; Schmidt, 5,271,586; Hofle, 5,628,598; Hofle, 5,489,173; Plank et al., 5,655,865; Rinderer, 5,209,619; Condit et al., 4,830,531; and Verdenne et al., 4,545,697.

[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

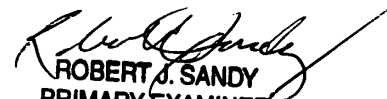


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Sincerely,  
David Reese  
Examiner  
Art Unit 3677

  
ROBERT J. SANDY  
PRIMARY EXAMINER